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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,218	07/25/2006	Hartmut Schurg	51468	8184
<div>1609 7590 01/23/2009 ROYLANCE, ABRAMS, BERDO &amp; GOODMAN, L.L.P. 1300 19TH STREET, N.W. SUITE 600 WASHINGTON,, DC 20036</div>				
EXAMINER				
GARRETT, ERIKA P				
ART UNIT		PAPER NUMBER		
3636				
MAIL DATE		DELIVERY MODE		
01/23/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/587,218

**Applicant(s)**

SCHURG ET AL.

**Examiner**

ERIKA GARRETT

**Art Unit**

3636

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/17/08 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings were received on 12/17/2008. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-12, 14, 17-19 and 21-22 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Muller (4,726,621). Muller discloses the use of an aircraft passenger seat (figure 1), comprising a seat part; a backrest (1) extending from said seat part and having a support structure and backrest cushioning bearing on said support structure; a tray table (4) coupled to said support structure and foldable between a stored position (figures 2-3) on a back of said support structure and a use position (figures 1 and 4-5) away from said back of said support structure; and a pocket

receptacle (see attachment below) on said back of said support structure for holding utensils, printed materials and travel accessories, said receptacle being a cavity extending in said support structure at least partially between said tray table in the stored position and said backrest cushioning and having a main opening (2) for introducing objects into said cavity, said main opening being open and exposed when said tray table is in the stored position; tray table remaining outside the cavity in the stored position, see figure 2.

3. In regards to claim 10, wherein said cavity extends from an area adjacent a top edge of said support structure to a structure element forming a bottom of said receptacle and located within a surface area of said tray table in the stored position.

4. In regards to claim 11, the main opening is adjacent said top edge of said support structure and opens in a back direction (when the user opens the structure element by way of using a hand or object) away from said backrest cushioning.

5. In regards to claim 12, a plate (4') extends between two side edges of said support structure above said structure element, and forms a rear wall of said receptacle.

6. In regards to claim 14, plate supports a latch (3) for fixing said tray table in the stored position.

7. In regards to claim 17, tray table (4) comprises a face facing said cavity in the stored position; and said main opening allows removal of items stored in said cavity in a direction parallel to said face in the stored position of said tray table, see figure 2.

8. In regards to claim 18, backrest (1) comprises a backrest supporting face for supporting a user's back; said backrest has at least an upright position in which said

backrest has a main direction oriented vertically; said support structure comprises a wall piece spaced from a rear wall (4') of said support structure bearing said backrest cushioning to form a gap extending perpendicular to said backrest supporting face and forming said cavity; and said tray table has an upper edge below an upper edge of said wall piece in a direction parallel to the main direction in the stored position.

9. In regards to claim 19, a latch (3) for fixing said tray table in the stored position is mounted on a rear side of said wall piece, see figure 2.

10. In regards to claim 20, backrest has at least an upright position in which said backrest has a main direction oriented vertically; and a latch (3) for fixing said tray table (4) in the stored position is mounted below said main opening in a direction parallel to said main direction.

11. In regards to claim 21, wherein said upper edge of said wall piece defines said main opening; and a latch (3) for fixing said tray table in the stored position is mounted below said upper edge of said wall piece.

12. Claims 9-12, 14-16 and 22-26 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Fischer (6,994,401). In regards to claim 9, Muller discloses the use of an aircraft passenger seat (10), comprising a seat part; a backrest (12,32) extending from said seat part and having a support structure and backrest cushioning bearing on said support structure; a tray table (36) coupled to said support structure and foldable between a stored position on a back of said support structure and a use position (figures 6-7) away from said back of said support structure; and a pocket receptacle (see attachment below) on said back of said support structure for holding

utensils, printed materials and travel accessories, said receptacle being a cavity extending in said support structure at least partially between said tray table in the stored position and said backrest cushioning and having a main opening (38) for introducing objects into said cavity, said main opening being open and exposed when said tray table is in the stored position, see figure 7.

13. In regards to claim 10, wherein said cavity extends from an area adjacent a top edge of said support structure to a structure element forming a bottom of said receptacle and located within a surface area of said tray table in the stored position.

14. In regards to claim 11, the main opening is adjacent said top edge of said support structure and opens in a back direction (when the user opens the structure element by way of using a hand or object) away from said backrest cushioning.

15. In regards to claim 12, a plate (4') extends between two side edges of said support structure above said structure element, and forms a rear wall of said receptacle.

16. In regards to claim 14, plate supports a latch (3) for fixing said tray table in the stored position.

17. In regards to claim 17, tray table (4) comprises a face facing said cavity in the stored position; and said main opening allows removal of items stored in said cavity in a direction parallel to said face in the stored position of said tray table, see figure 2.

18. In regards to claim 22, Fischer discloses the use of passenger seat (10) comprising a seat part (figure 8); a backrest (12) extending from said seat part and having a front surface facing said seat part and a rear surface remote from and facing oppositely from said front surface; a support structure (11) on said rear surface defining

a cavity on said rear surface and having laterally spaced side portions; a plate (32) extending between said side portions and spaced from said rear surface defining a receptacle therebetween, said plate having a top edge defining a main opening (38) for inserting items (figure 7) into and retrieving items from said receptacle and having a bottom edge spaced from said top edge; a structure element (the bottom portion of 40) extending between said side portions spaced from said top edge, adjacent said bottom edge and forming a bottom of said receptacle; and a tray table (36) mounted on said rear surface for movement between a stored position overlying a rear, said plate and a use position spaced from said backrest, said tray table having an upper edge in said stored position located below said top edge of said plate maintaining said main opening unobstructed in the stored position of said tray table.

19. In regards to claim 23, a latch (42) for securing said tray table in the stored position is mounted on said plate between said top edge and said bottom edge.
20. In regards to claim 24, wherein said latch is adjacent said top edge.
21. In regards to claim 25, tray table is pivotally coupled to said support structure, see figure 7.
22. In regards to claim 26, wherein said plate has a bottom opening adjacent said bottom edge.

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

24. Claim 13 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of Dixon (5,507,556). Muller fails to show the use of the support structure receives a display screen integrated therein.
25. Dixon teaches the use of a support structure receives a display screen (20).
26. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the support structure with a display screen as taught by Dixon, in order to provide information and entertainment for the occupant.
27. Claims 15-16 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of Fischer (6,994,401). Muller fails to show the use of an elongated bottom opening extends between said structure element and said plate; a lip on an edge thereof bordering said bottom opening and projecting into an inside width of said bottom opening.
28. Fischer teaches the use of an elongated bottom (see attachment) opening extends between said structure element and said plate; a lip (see figure 7 at bottom) on an edge thereof bordering said bottom opening and projecting into an inside width of said bottom opening.
29. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the passenger seat with an elongated bottom and lip as taught by, Fischer in order to store the tray able.



***Response to Arguments***

**30.** Applicant's arguments filed 12/17/08 have been fully considered but they are not persuasive.

**31.** In response to applicants arguments that Muller does not disclose the tray table outside the cavity in the stored position. The examiner is of the opinion that Muller does in fact show the tray table outside the cavity, as shown on figure 2.

**32.** In response to applicants arguments that Muller does not disclose a pocket receptacle with a main opening (by way of the top portion of the pocket 2) that remains open when the tray table is in the store position. The examiner is of the opinion that Muller does in fact show the tray table outside the cavity, as shown on figure 2.

**33.** In response to applicant's argument that Muller fails a plate forming the rear wall of the receptacle, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The examiner is of the opinion that Muller plate does in fact form a rear wall.

**34.** In response to applicants arguments that Muller does not disclose a lip position on the support element. The applicant is reminded that Muller was not used to disclose a lip.

***Conclusion***

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

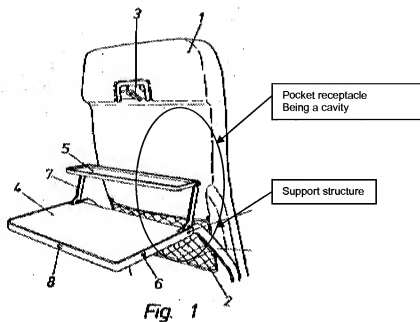
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ERIKA GARRETT** whose telephone number is **(571)272-6859**. The examiner can normally be reached on **Monday-Thursday 9:30 a.m.-6:30 p.m.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on **571-272-6670**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. G./  
Examiner, Art Unit 3636  
January 20, 2009

/DAVID DUNN/  
Supervisory Patent Examiner, Art Unit 3636



**U.S. Patent**

Feb. 7, 2006

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